

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA**

RIVERPOINT MANAGEMENT LLC,

Plaintiff,

vs.

MARY KLEINHOLZ,

Defendant.

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8:06CV301

ORDER

This matter is before the court on plaintiff's MOTION TO QUASH OR FOR A PROTECTIVE ORDER [34] relating to the "Notice[s] of Intent to Take Oral Deposition and Subpoena[s] Duces Tecum" which were filed by the defendant on May 15, 2006.

The court allowed the parties to conduct expedited discovery in preparation for the June 5, 2006 hearing on plaintiff's Application for Preliminary Injunction [8]. To this end, defendant sought to depose Jerry Keathley and Dominic Schilt on May 25, 2006, together with the production of

All RiverPoint Management, LLC's income statements from August, 2005 to present, balance sheets from August, 2005 to present, tax returns for the year 2005, financial statements from August, 2005 to present, profit and loss statements for 2005 and first quarter 2006, all customer lists, customer files in which Defendant worked on while employed at RiverPoint.

Plaintiff objected to the subpoena duces tecum because the request did not afford 30 days to respond to the request for production of documents. Defendant did not file any response to the pending motion.

On June 12, 2006, Judge Smith Camp denied plaintiff's application for preliminary injunction. Plaintiff's Motion for Reconsideration of that order [57] is now pending before Judge Smith Camp.

Because the defendant's requests for production of documents did not afford the appropriate response time, see Fed. R. Civ. P. 30(b)(5) & 34(b), I find that the motion should be granted without prejudice to defendant serving amended requests, if necessary, during the normal course of discovery.

IT IS SO ORDERED.

DATED July 11, 2006.

BY THE COURT:

**s/ F.A. Gossett
United States Magistrate Judge**